

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES HAYDEN,

Plaintiff,

v.

2K GAMES, INC. and TAKE-TWO
INTERACTIVE SOFTWARE, INC. ,

Defendants.

CASE NO. 1:17-cv-02635-CAB

**DEFENDANTS 2K GAMES, INC. AND TAKE-TWO INTERACTIVE
SOFTWARE, INC.'S MOTION TO DISMISS**

In accordance with Federal Rule of Civil Procedure 12(b)(6), Defendants 2K Games, Inc. and Take-Two Interactive Software, Inc. (collectively, “Take-Two”) move to dismiss Plaintiff James Hayden’s (“Plaintiff”) unjust enrichment (Count III), Visual Artists Rights Act (Count IV), and declaratory judgment (Count V) claims with prejudice, as well as dismiss Plaintiff’s request for statutory damages or attorney’s fees on his copyright claims.

The reasons for granting this motion are more fully explained in the attached memorandum in support, which is incorporated here by reference.

Dated: New York, New York
May 14, 2018

/s/Dale M. Cendali

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CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2018, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt, and parties may access this filing through the Court's system.

/s/ Dale M. Cendali

*Attorney for Defendants 2K Games, Inc. and
Take-Two Interactive Software, Inc.*